

U.S. Patent Application No. 09/620,484  
Attorney's Docket No. 99-317RCE2

### REMARKS

This amendment is responsive to the first Office Action<sup>1</sup> dated December 14, 2005 in this second request for continued examination in this application. In the instant Office Action, the Examiner does not continue to apply CURRY and is alleging a new ground of rejection based on newly-cited U.S. Patent No. 6,366,575 (BARKAN et al.).

Claims 1-2, 4-5, 7-8, 10-11, 13-20, 25 and 27-37 were presented for continued-examination and continue to be rejected. Independent claims 1, 7, 13, 14, 17, 20, 25, 27, and 30 are all currently amended to include features discussed in the specification and to further enhance clarity of presentation. Support for these amendments is found in the application as filed. For example, *see* at least page 11, line 21 through page 13, line 1, and the Figures, especially Figs. 7 and 8, including blocks 700, 705, 710, 715, 720 and particularly blocks 800, 805 and 810. No new matter is added by way of these amendments.

More specifically claims 1, 2, 4, 5, 7, 8, 10, 11, 13, 25, and 27-37 are rejected under 35 U.S.C. § 103(a) as being un-patentable over Patent Number 6,275,490 to MATTAWAY et al. (hereinafter "MATTAWAY") in view of newly-cited Patent Number 6,366,575 to BARKAN et al. (hereinafter "BARKAN"). Claims 14-20 are rejected under 35 U.S.C § 103(a) as being un-patentable over MATTAWAY in view of BARKAN in further view of WIENER et al., U.S.

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<sup>1</sup> The Office Action may contain a number of statements characterizing the cited references and/or the claims which Applicant may not expressly identify herein. Regardless of whether or not any such statement is identified herein, Applicant does not automatically subscribe to, or acquiesce in, any such statement. Further, silence with regard to rejection of a dependent claim, when such claim depends, directly or indirectly, from an independent claim which Applicant deems allowable for reasons provided herein, is not acquiescence to such rejection of that dependent claim, but is recognition by Applicant that such previously lodged rejection is moot based on remarks and/or amendments presented herein relative to that independent claim.

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Patent Number 6,324,264 (hereinafter WIENER). Applicant respectfully traverses the rejection of these claims for the following reasons.

Claims 1, 2, 4, 5, 7, 8, 10, 11, 13, 25, and 27-37 are rejected under 35 U.S.C. § 103(a) as being un-patentable over MATTAWAY in view of BARKAN. The Office Action, page 3, states that certain deficiencies exist in MATTAWAY with respect to independent claims 1, 7, 13, 25 and 30 and, on page 6, presents verbatim the same deficiencies with respect to independent claim 27 and, on page 10, presents verbatim the same deficiencies with respect to independent claims 14, 17 and 20. Applicant agrees that MATTAWAY is deficient at least in this regard<sup>2</sup> with respect to all independent claims. As explained below, the combination of MATTAWAY and BARKAN also does not disclose or suggest Applicant's independent claims.

For example, consider amended independent claim 1 which recites a combination of features.

A method of making a telephone call using a computer having a user interface, the computer operating upon an electronic document, comprising: receiving an electronic document that includes data representing at least one telephone number; selecting by way of the user interface a telephone number from a location in the electronic document to obtain a selected telephone number; retrieving data, associated with the location, from the electronic document, wherein the data comprises the telephone number in a format usable for setting up a call; determining if a calling party telephone number had been previously stored in local memory in the computer; prompting a user to enter the calling party telephone number into the computer if the calling party telephone number had not been previously stored in the local memory in the computer, thereby storing the calling party telephone number in the local memory within the computer to obtain a locally stored calling party telephone number; signaling, via a packet-switched network, a telecommunication system to connect a call between the selected telephone number and the calling party telephone number using the retrieved data by ringing a telephone

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<sup>2</sup> The final Office Action then continues with MATTAWAY's alleged manipulation of a calling party address, but this is an irrelevant argument because an address is not a telephone number. Furthermore, the instant claim amendments clearly avoid the combination of MATTAWAY and BARKAN in any event, as explained herein.

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associated with the calling party telephone number before calling the selected telephone number and, if the telephone is not answered within a specified period of time, by sending a message to the computer to request that the calling party re-enter the calling party telephone number thereby obtaining a locally stored and re-entered calling party telephone number superceding the calling party telephonic number and by calling the re-entered calling party number before calling the selected telephone number; and using either the locally stored calling party telephone number or, if superceded, the locally stored and re-entered calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number. (claim 1, emphasis added.)

#### I. BARKAN DOES NOT PROMPT THE USER

To begin with, as highlighted above by underlining, claim 1 clearly calls for prompting the user (i.e., calling party) to enter the calling party's telephone number into the computer if not previously entered and stored therein. The Office Action, page 4, points to BARKAN, column 5, lines 30-39, as describing, *interalia*, "prompting a user if the calling party telephone number has not been previously stored." Applicant respectfully disagrees. This section provides, *interalia*, the following statement: "CLID [calling line identification] identifies the telephone number of outside telephone 12 or 13 [calling party telephone]; if this information is not stored in computer 24, then this field can be blank or filled in by the user in CLID entry box 49." (Emphasis added.) In other words, the user is viewing its computer terminal screen and this language says that the user/viewer is given the option of either leaving a field blank or filling it in with the user's (calling party's) telephone number.

In Applicant's view, this statement does not rise to the level of prompting. Applicant submits that this statement does not show prompting a user to enter the calling party telephone number into the computer because the user is not directed to fill in the blank on the screen with the user's telephone number. In other words, the computer terminal screen dialogue block, or

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any other instruction to the user, does not unequivocally say "insert phone number" which, had it said that, in Applicant's view, could be a "prompt." In BARKAN, apparently, a stored calling party phone number is not a requirement. At best, this statement in BARKAN is merely informative, and informing a user to CONSIDER WHETHER OR NOT IT WISHES TO ENTER the calling party telephone number into the computer if the calling party telephone number had not been previously stored in the local memory in the computer, is NOT the same as directly "prompting a user to enter the calling party telephone number into the computer if the calling party telephone number had not been previously stored in the local memory in the computer" as recited in claim 1.

For this reason alone, MATTAWAY, which the Examiner admits is deficient in this regard, in combination with BARKAN do not disclose or suggest the recited limitation: "prompting a user to enter the calling party telephone number into the computer if the calling party telephone number had not been previously stored in the local memory in the computer, thereby storing the calling party telephone number in the local memory within the computer to obtain a locally stored calling party telephone number" as recited in claim 1, and therefore do not disclose or suggest all limitations of claim 1. Accordingly, the 35 U.S.C. § 103(a) rejection of claim 1 should be withdrawn and the claim allowed.

The other independent claims, namely claims 7, 13, 14, 17, 20, 25, 27 and 30, each contains the same or a similar limitation with respect to "prompting a user" and each is allowable for the same or similar reasons to those given above with respect to claim 1.

Moreover, all dependent claims depend ultimately from one of the allowable independent claims and, therefore, partake in the allow-ability of their respective allowable base claim. All

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dependent claims are allowable for at least that reason. Accordingly, the 35 U.S.C. § 103(a) rejection of claims 2-5, dependent from allowable base claim 1, claims 8-11, dependent from allowable base claim 7, claims 15-16, dependent from allowable base claim 14, claims 18-19, dependent from allowable base claim 17, claims 28-29, dependent from allowable base claim 27 and claims 31-37, dependent from allowable base claim 30 should be withdrawn and the claims allowed.

II. BARKAN DOES NOT SHOW RE-ENTERING CALLING PARTY TELEPHONE  
NUMBER IF CALLING PARTY TELEPHONE NOT ANSWERED WITHIN SPECIFIED  
TIME

Although the pending claims are submitted to be allowable solely for reasons given above, nevertheless, they are currently amended to provide even further distance between their recitations and the cited prior art. As highlighted by underlining in claim 1 above, it now includes the following additional limitations:

- (1) the telephone associated with the calling party telephone number is rung before ringing the called party's telephone number (the selected party's telephone number);
- (2) a specified period of ringing time is taken into consideration;
- (3) if the calling party's telephone is not answered within that period of time a message is sent to the calling party's user interface requesting re-entry of the calling party telephone number;
- (4) the calling party thus provides a locally stored and re-entered calling party telephone number which supercedes the calling party telephone number which had previously been stored; and

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(5) the calling party's re-entered telephone number is rung before the called party's telephone number is rung.

In addition, either the locally-stored calling party telephone number or, if superceded, the re-entered locally-stored calling party telephone number is used to connect all future calls from the calling party to any telephone number including the called party's telephone number.

MATTAWAY, as admitted in the Office Action, is deficient with respect to disclosing the storing of a calling party telephone number in local memory in the computer, and therefore cannot show any of the above additional limitations inserted by way of the instant amendment.

The Office Action, page 3, alleges: "BARKAN teaches, in a telecommunications system, determining if a calling party telephone number has been previously stored in local memory in the computer (col. 5, lines 30-33); prompting a user to enter the calling party telephone number into the computer if the calling party telephone number had not been previously stored in the local memory in the computer (col. 5, lines 30-39), and using the locally stored calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number (col. 5, lines 30-33), where BARKAN implicitly does this in order to obtain a calling party telephone number with which to connect a call." Reliance upon BARKAN throughout the Office Action, with respect to all of this activity, is limited to column 5, lines 30-39:

CLID identifies the telephone number of outside telephone 12 or 13; if this information is not stored in computer 24, then this field can be blank or filled in by the user in CLID entry box 49. Form input data include whatever information may be entered on a form (e.g., on web page 38) at the web browser. This information can then be used by call router 18 in assigning an agent. Because call request browser page 38 is contained within a spawned process of the web browser, the browser user can return to surfing the web while waiting for an agent. (BARKAN, col. 5, lines 30-39)

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As presented in argument "I." above, Applicant submits that Applicant's recited "prompting" step is not disclosed or suggested in this section of BARKAN (or anyplace else in BARKAN). Applicant further submits that this section of BARKAN (or anyplace else in BARKAN) does not disclose or suggest any of the limitations being added by the current amendment.

There simply is no hint or suggestion in the above section (or anyplace else in BARKAN) of: (1) ringing the calling party telephone before ringing the called party telephone, (2) waiting for a number of rings or for a specified period of time, (3) if the calling party telephone is not answered during that time, sending a message to the user requesting re-entry of his/her telephone number, (4) the calling party providing a re-entered calling party telephone number, (5) ringing the calling party's re-entered telephone number before ringing the called party telephone, and (6) using the stored calling party's telephone number or re-entered telephone number for all future calls. None of this subject matter is shown, or even hinted-at, in the above section of Barkan or anyplace else in Barkan.

For the reasons given above, it is submitted that MATTAWAY and BARKAN, taken alone or in any reasonable combination, do not disclose or suggest:

"signaling, via a packet-switched network, a telecommunication system to connect a call between the selected telephone number and the calling party telephone number using the retrieved data by ringing a telephone associated with the calling party telephone number before calling the selected telephone number and, if the telephone is not answered within a specified period of time, by sending a message to the computer to request that the calling party re-enter the calling party telephone number thereby obtaining a locally stored and re-entered calling party

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telephone number superceding the calling party telephone number and by calling the re-entered calling party number before calling the selected telephone number; and using either the locally stored calling party telephone number or, if superceded, the locally stored and re-entered calling party telephone number to connect all calls from the calling party, subsequent to attempting the call, to any telephone number including the selected telephone number" as recited in claim 1.

It is further submitted that WIENER, cited merely to show subject matter related to packet-switched calls and circuit switched calls, does not cure these deficiencies of MATTAWAY and BARKAN.

In accordance with MPEP 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in Applicants' disclosure. And, all three of these basic criteria must be met - if any one is not met the prima facie case of obviousness is not made. In this instance, the prior art references, MATTAWAY, BARKAN and/or WIENER when combined do not teach or suggest all of the limitations of claim 1, for reasons given above. Thus, the other two criteria are mooted and need not be discussed at this time. Accordingly, the 35 U.S.C. § 103(a) rejection of claim 1 should be withdrawn and the claim allowed.



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The other independent claims, namely claims 7, 13, 14, 17, 20, 25, 27 and 30, have each been currently amended to contain all of the same, or similar, limitations discussed above, relating to re-entry of the calling party telephone number, and each is allowable for the same or similar reasons to those given above with respect to claim 1.

Moreover, and as previously noted with respect to argument "I." above, all dependent claims depend ultimately from one of the allowable independent claims and, therefore, partake in the allow-ability of their respective allowable base claim. All dependent claims are allowable for at least that reason. Accordingly, the 35 U.S.C. § 103(a) rejection of claims 2-5, dependent from allowable base claim 1, claims 8-11, dependent from allowable base claim 7, claims 15-16, dependent from allowable base claim 14, claims 18-19, dependent from allowable base claim 17, claims 28-29, dependent from allowable base claim 27 and claims 31-37, dependent from allowable base claim 30 should be withdrawn and the claims allowed.

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### CONCLUSION

In view of the foregoing amendments and remarks, all pending claims are urged to be allowable over the cited references. Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims.


Applicant has again reviewed NARAIN, U.S. Patent 5,535,506 (hereinafter, "NARAIN") which was previously made of record as being pertinent to Applicant's disclosure, but not relied upon. Applicant agrees that it should not have been relied upon. NARAIN does not cure the deficiencies of the prior art which is being relied upon.

If any questions remain, the Examiner is invited to contact the undersigned at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,

By: \_\_\_\_\_

  
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